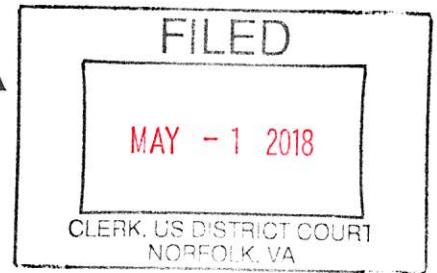


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



ROBERT LINWOOD PRINCE, #1146972,

Petitioner,

v.

ACTION NO. 2:17cv7

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

FINAL ORDER

Before the Court is a Petition and Amended Petition for a Writ of Habeas Corpus (ECF Nos. 1 and 4) filed pursuant to 28 U.S.C. § 2254 and the Respondent's Motion to Dismiss (ECF No. 13). Petitioner alleges violations of his constitutional rights in relation to his convictions in the Petersburg Circuit Court for obstruction of justice and possession of cocaine. As a result of the convictions, Petitioner was sentenced on June 10, 2014, to serve a total of eleven years of incarceration, with eight years suspended.


The matter was referred to a United States Magistrate Judge for report and recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed March 21, 2018, recommends dismissal of the Petition with prejudice. ECF No. 17. Each party was advised of his right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 5, 2018, the Petitioner timely filed objections to the Report and Recommendation. The Respondent has not responded to

the Petitioner's objections and the time to do so has expired. The Court, having reviewed the record and examined the objections filed by Petitioner to the Report and Recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby **ADOPT** and **APPROVE** the findings and recommendations set forth in the Report and Recommendation filed March 21, 2018.

Petitioner has simply repeated the claims he made in his original petition, and failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003). It is, therefore, **ORDERED** that the petition be **DENIED** and **DISMISSED**. It is further **ORDERED** that judgment be entered in favor of Respondent.

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a *written* notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to Petitioner and counsel of record for Respondent.



Raymond A. Jackson
United States District Judge

RAYMOND A. JACKSON
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia
April 30, 2018